

COX FRICKE  
A LIMITED LIABILITY LAW PARTNERSHIP LLP

JOACHIM P. COX 7520-0

jcox@cfhawaii.com

ROBERT K. FRICKE 7872-0

rfricke@cfhawaii.com

ABIGAIL M. HOLDEN 8793-0

aholden@cfhawaii.com

800 Bethel Street, Suite 600

Honolulu, Hawai'i 96813

Telephone: (808) 585-9440

Facsimile: (808) 275-3276

Attorneys for Respondent  
UNITED AIRLINES, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

COLBY JOHNSON and JASON  
MANGONON,

Petitioners,

vs.

UNITED AIRLINES, INC.,

Respondent.

CIVIL NO. \_\_\_\_\_

RESPONDENT UNITED  
AIRLINES, INC.'S NOTICE OF  
REMOVAL; DECLARATION OF  
ABIGAIL M. HOLDEN; EXHIBITS  
1 - 5; CERTIFICATE OF SERVICE

No trial date

**RESPONDENT UNITED AIRLINES, INC.'S NOTICE OF REMOVAL**

Respondent United Airlines, Inc. ("United Airlines"), hereby removes  
to this Honorable Court a civil action filed in the First Circuit Court for the State of  
Hawai'i, S.P. No. 18-1-0049 VLC, pursuant to 28 U.S.C. § 1441(b).

## **I. STATE COURT PROCEEDINGS**

1. On February 14, 2018, Petitioners Colby Johnson and Jason Mangonon (“Petitioners”), appearing *pro se*, filed a Verified Petition to Provide Deposition Before Action in Accordance with H.R.C.P. Rule 27 against United Airlines in the Circuit Court of the First Circuit for the State of Hawai‘i. A copy of the Petition is attached to the Declaration of Abigail M. Holden as Exhibit 1.

2. United Airlines was served with a copy of the Petition on February 15, 2018. (Declaration of Abigail M. Holden (“Holden Decl.”) at ¶ 2.) No other pleadings have been filed in this action. (*See* Exhibit 5, State Court docket.)

## **II. VENUE**

3. Venue lies in the United States District Court for the District of Hawai‘i pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because this action was originally brought in the Circuit Court of the First Circuit for the State of Hawai‘i.

## **III. GROUNDS FOR REMOVAL**

4. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) inasmuch as it was filed within 30 days of United Airline’s receipt of the civil action.

5. Petitioners’ Petition alleges that they are citizens and residents of the State of Hawai‘i. (Exhibit 1; Petition at ¶ 1.)

6. United Airlines is a corporation duly organized under the laws of the State of Delaware, headquartered in Chicago, Illinois. (Holden Decl. at ¶ 4.) United Airlines is not a citizen of the State of Hawai‘i. (*Id.*)

7. Thus, there is complete diversity of citizenship pursuant to 28 U.S.C. § 1332 and United Airlines is not a citizen of the State in which the action is brought pursuant to 28 U.S.C. § 1441(b).

8. The Petition alleges that Petitioners intend to bring actions for “Negligence, Negligence Per Se, Breach of Contract, and Negligent Infliction of Emotional Distress” against United Airlines. (Exhibit 1; Petition at ¶ 5.)

9. On January 3, 2018, Ms. Johnson wrote to United Airlines indicating that she intended to file a “Complaint against United [Airlines] in the United States District Court alleging a number of claims.” (Exhibit 2.)

10. On January 20, 2018, Petitioners demanded \$4,000,000.00 per person (apparently a total of \$8,000,000.00) to settle their claims. (Exhibit 3.)

11. On February 8, 2018, Petitioners demanded \$250,000 per person (apparently a total of \$500,000.00) to settle the claim. (Exhibit 4.)

12. Accordingly, the amount in controversy exceeds the jurisdictional minimum under 28 U.S.C. § 1332.

#### **IV. NOTICE TO ADVERSE PARTIES AND STATE COURT**

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice shall be promptly served on Petitioners and will be filed with the Clerk of the Court of the First Circuit, State of Hawai‘i.

#### **V. CONCLUSION**

14. By removing this action to this Court, United Airlines does not waive any defenses, objections or motions available under state or federal law. United Airlines expressly reserves the right to move for dismissal of Petitioners’ claims pursuant to Rule 12 of the Federal Rules of Civil Procedure and/or any other rule.

WHEREFORE, United Airlines prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of Hawai‘i, to the United States District Court for the District of Hawai‘i.

DATED: Honolulu, Hawai‘i, February 27, 2018.

/s/ Abigail M. Holden

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JOACHIM P. COX  
ROBERT K. FRICKE  
ABIGAIL M. HOLDEN

Attorneys for Respondent  
UNITED AIRLINES, INC.